

FILED

MAR 17 2015

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

STACY HALL,

Plaintiff,

vs.

LEROY KIRKEGARD, MYRON BEESON,
ROSS SWANSON, TOM WOODS,
CANDYCE NEUBAUER, BILLIE REICH,
ROXANNE WIGERT, DAN HESS, MICHELE
STEYH, ALVIN FODE, SHEILA HASTINGS,
JOHN DOE, JANES/JANE DOE,

Defendants.

CV 14-00011-H-DLC-RKS

ORDER

Plaintiff Stacy Hall has filed a Second Motion for a Temporary Restraining Order and Preliminary Injunction seeking an order protecting his access to legal materials and personal legal property from further “impedance [sic], frustration, and obstruction.” (Doc. 35.) Mr. Hall is a Montana state prisoner proceeding in forma pauperis and without counsel. He alleges he was transferred to South Dakota in November 2014 and his property, including his legal documents were seized. Between November 2014 and January 2015, Mr. Hall did not have access to his legal documents. (Hall Affidavit, Doc. 35-1 at 1.) His property was returned to him in January 2015 but was seized on March 4, 2015 when he was

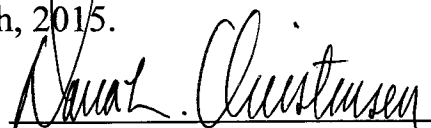
transferred to a different facility. (Hall Affidavit, Doc. 35-1 at 2.)

Mr. Hall's Motion for temporary restraining order will be denied. Rule 65 of the Federal Rules of Civil Procedure provides that a temporary restraining order may be granted without written or oral notice to the adverse party or that party's attorney if: (1) it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss or damage will result to the applicant before the adverse party or the party's attorney can be heard in opposition, and (2) the applicant's attorney (plaintiff himself in this case, as he proceeds pro se) certifies in writing the efforts, if any, which have been made to give notice and the reasons supporting the claim that notice should not be required. Fed.R.Civ.P. 65(b). Mr. Hall has not satisfied either requirement.

The Court will however, consider Mr. Hall's motion for preliminary injunction.

Accordingly, IT IS HEREBY ORDERED that the Motion for Temporary Restraining Order (Doc. 35) is DENIED. Defendants shall have until April 1, 2015 to respond to Mr. Hall's request for a preliminary injunction. (Doc. 7.)

DATED this 17th day of March, 2015.

A handwritten signature in black ink, appearing to read "Dana L. Christensen", is written over a horizontal line.

Dana L. Christensen, Chief Judge
United States District Court